



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

February 21, 2007

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

JOHN J. ARTHUR  
BASF CORPORATION  
AGRICULTURAL PRODUCTS  
26 DAVIS DRIVE, PO Box 13528  
RESEARCH TRIANGLE PARK, NC 27709-3528

Dear Mr. Arthur:

Subject: Transfer of Pesticide Registrations From Company Number 264 to Company Number 7969

Pursuant to your request in your letter and transfer agreement of January 16, 2007, we have approved the transfer of the following registration from **BAYER CROPS SCIENCE LP**, company number **264** to **BASF CORPORATION**, company number **7969**.

The effective date of these changes is the date of this letter.

<u>Registered Products</u>	<u>Old EPA Reg. No.</u>	<u>New EPA Reg. No.</u>
TRITICONAZOLE SC FUNGICIDE	264-601	7969-257

You should indicate the new company designation, new EPA Registration Number and new Establishment Number (if it has changed) on the labeling at the next printing which should occur no later than 18 months after the effective date of this transfer. After 18 months, any product released for shipment must bear the new Registration Number and Establishment Number. If you intend to use the labels which currently appear on the transferor's product after the effective date of the transfer, but within the 18 month grace period, you must maintain complete and accurate records which identify by batch number, lot number, or other suitable description the quantities of such product bearing the transferor's label. Each container or package bearing the transferor's label which is released after the effective date of product registration transfer, must be clearly and accurately marked with the batch number, lot number or other descriptive designation used to identify the product in your records.

Supplemental distribution agreements of registered products do not transfer with the Section 3 registration. It is your responsibility as the registrant to notify any and all supplemental distributors of the transferred product(s) of this transfer agreement. If you wish to enter into supplemental distribution agreements of your product(s) under this new registration, the form "Notice of Supplemental Distribution of a Registered Pesticide Product," EPA Form 8570-5, must be submitted to the Agency for each supplemental distributorship.

You are required to contact your local EPA Regional Office to determine what effect this transfer of pesticide registrations has on the pesticide production establishment registration.

It will not be necessary to submit labeling for review if the only changes are in the company designation and the EPA Registration Number. Other changes in the product and/or labeling may require EPA review and approval prior to initiation. In any correspondence on these products always refer to the U.S. EPA Registration Number listed above.

The transferred registration will have the same status under the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 USC 136 et seq., as it had prior to the approval of this transfer.

When registrations are transferred from one company to a second company, all restrictions, data requirements, conditions (suspensions), and deadlines existing on the registrations are transferred with the registrations. The new company is responsible for adhering to or complying with all such restrictions, etc. on the acquired products.

In regard to deadlines, the transferee company is responsible for submitting all required data according to the schedules already established for the acquired products. Failure to do so will result in the issuance of a Notice of Intent to Suspend. Requests from transferee companies for additional time to submit, because they acquired the registration(s) after the 3(c)(2)(B) request was issued will not be granted. If a transferee company has other valid reasons for delays in the testing which were clearly outside of their control, then such requests for time extensions will be considered in accordance with the established procedures. Transfers occurring while a 3(c)(2)(B) request is being issued or during the 90-day response time are subject to the same conditions expressed above.

Registration is in no way to be construed as an endorsement or approval of these products by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with FIFRA.

Furthermore, the transfer of the subject registrations is approved under the condition that the annual maintenance fee obligation has been fully satisfied. The marginal maintenance fee is determined based solely on the total number of active section 3 and section 24(c) registrations held by the transferor. If the annual maintenance fee has not been fully satisfied, the transferee and transferor will be notified to comply within a specified time period or the affected registrations may be canceled.

By copy of this letter we are informing the transferor of these changes. If you have any questions about this transfer approval please contact Kathleen O'Malley at (703) 305-5411.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Robbins", written in a cursive style.

Steve Robbins, Acting Chief  
Information Services Branch

Information Technology & Resource Management Div. (7504P)

cc: MARGARET CHERNY  
BAYER CROPSCIENCE LP  
2 T.W. ALEXANDER DRIVE  
RESEARCH TRIANGLE PARK, NC 27709

# CHECKLIST for TRANSFER of REGISTRATIONS

Transferor: Bayer CropScience, LP

Co. # 264

Transferee: BASF Corp., Ag Products

Co. # 7969

Transfer Type: Registration

Date: Ltr: 1/16/07; PP: 1/23/07

CHECK	REQUIREMENTS	COMMENTS
✓	Entry into Log Book	✓ Company info checked in OPPIN and printed
✓	Products verified in OPPIN (active/cancelled/suspended, etc.)	✓ Maintenance Fee Records checked (active/cancelled/SLN/fee paid)
Ensure That the Package Contains the Following:		
✓	(1) XFER Agreement Has Original Signatures from Both Companies?	
✓	(2) Name, Address & State of Incorporation of Transferor (& Co. #)	
✓	(3) Name, Address & State of Incorporation of Transfee (& Co. #.)	
✓	(4) Name(s) / List & EPA Registration No.(s) of the product(s) being transferred.	264-601: Triticonazole SC Fungicide
✓	(5) Statement that the Transferor transfers to the Transferee all right, title, and interest in the data listed in the document.	
✓	(6) Statement that the transferred registration(s) shall not serve as collateral or otherwise secure any loan or other payment arrangement or executory promise. The reg'n(s) shall not revert to the Transferor unless a new transfer agreem't is submitted to & approved by the Agency	
✓	(7) Description of the general nature of the underlying transaction, e.g., merger spin-off, bankruptcy (no financial info. need be disclosed)	Licensing Agreement
✓	(8) Statement that the Transferor and Transferee understand that any false statement may be punishable under law (18 USC1001)	
✓	(9) An acknowledgement by Transferee that his rights & duties concerning the reg'n under FIFRA will be deemed by EPA to be the same as those of the Transferor at the time the transfer is approved.	

N/A DATA Data transfers must also include: (1) Name of the study; (2) Is study exclusive use (if so, when does exclusive use expire); (3) Name of person or lab that conducted the study; (4) Date study submitted to EPA; (5) MRID or other EPA administrative number.

	(10) Notarized Statement from Transferor Affirming that:	
✓	(A) The person signing the transfer agreement is authorized by the registrant to bind the Transferor.	
✓	(B) No court order prohibits the transfer, & that any required court approvals have been obtained.	
✓	(C) The transfer is authorized under all relevant Federal, State & local laws, & all relevant corporate charters, bylaws, partnerships, or other agreements.	

Note: It is preferable that the Affirmation Statement be signed by someone other than the person signing the transfer agreement.

Look in Card File for Next REG #(s) and EUP # / (pencil in #s in card file.)	7969-257
OPPIN Work DD	
Generate Letter and Give to <del>Bob</del> for Signature 2/21/07	
Copies of Letter Made and Distributed/Mailed	
Transferor	Bob L.
Transferee	In Transfer File
Updated Log Book	Completed: KOM Date:

## ROUTING AND TRANSMITTAL SLIP

Date

02/09/07

TO: (Name, office symbol, room number,  
building, Agency/Post)

Initials

Date

1. Kathleen O'Malley (Initial Review)

KOM

2/9/07

2. Lou Vaughn (Review)

Luv

2/21/07

3. Kathleen O'Malley (OPPIN &amp; Letter)

KOM

2/21/07

4. Lou Vaughn (Review Letter)

Luv

2/22/07

5. Steve Robbins (Approval &amp; Signature)

SDR

2/22/07

6.

7.

8.

9.

10.

<input type="checkbox"/> Action	<input type="checkbox"/> File	<input type="checkbox"/> Note and Return
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> For Clearance	<input type="checkbox"/> Per Conversation
<input type="checkbox"/> As Requested	<input type="checkbox"/> For Correction	<input type="checkbox"/> Prepare Reply
<input type="checkbox"/> Circulate	<input type="checkbox"/> For Your Information	<input type="checkbox"/> See Me
<input type="checkbox"/> Comment	<input type="checkbox"/> Investigate	<input checked="" type="checkbox"/> Signature
<input type="checkbox"/> Coordination	<input type="checkbox"/> Justify	

REMARKS

Transfer of Registration #264-601 From Bayer CropScience, LP (Company Number 264) TO BASF Corporation, AG Products (Company Number 7969).

DO NOT use this form as a RECORD of approvals, concurrences, disposals,  
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Kathleen O'Malley

KOM

Room No. - Bldg.

S-6318, PY-1

Phone No.

(703) 305-5411

OPTIONAL FORM 41 (Rev. 1-94)  
Prescribed by GSA

# Bayer CropScience



January 16, 2007

Evelyn Alston  
Document Processing Desk (XFER)  
Office of Pesticide Programs - H7504P  
U.S. Environmental Protection Agency  
Room S-4900, One Potomac Yard  
2777 South Crystal Drive  
Arlington, VA 22202

Dear Ms. Alston:

**Subject: Bayer CropScience  
EPA Company Numbers 264  
Transfer of EPA Product Registration to  
BASF Corporation, Agricultural Products  
EPA Company Number 7969**

Bayer CropScience  
RTP  
P. O. Box 12014  
RTP, NC 27709  
Tel. 919 549-2000

Bayer CropScience [EPA Company Number 264] (the Transferor) requests that the U.S. Environmental Protection Agency transfer certain EPA registered products to BASF Corporation, Agricultural Products [EPA Company Number 7969] (the Transferee).

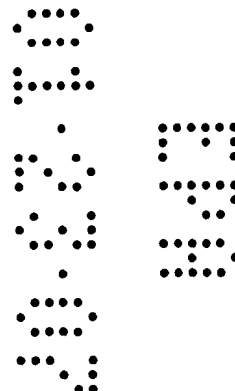
A Transfer Document, executed by authorized representatives of both parties, provides the required documentation and affirmations delineated at 40 CFR §152.135(b) and (c) to effect this request for transfer of EPA product registrations. The Transfer Document is enclosed with this letter.

Under the terms of 40 CFR §152.135(d), I understand that the Agency will approve the transfer without requiring that the Transferee obtain new registrations and that the Agency will notify the Transferor and the Transferee of its approval of this transfer request.

Please contact me if you require any additional information. Thank you for your assistance in this matter.

Very truly yours,

Margaret Cherny  
Bayer CropScience LP  
Phone: (919) 549-2378



Transfer of Registration  
Document Required by 40 CFR s.152.135

- (1) Name, Address and State of incorporation of transferor:

Bayer CropScience  
(EPA Company Numbers 264)  
P.O. Box 12014  
2 T.W. Alexander Drive  
Research Triangle Park, NC 27709


- (2) Name, Address and State of incorporation of transferee:


BASF Corporation, Agricultural Products  
(EPA Company Number 7969)  
P.O. Box 13528  
Research Triangle Park, NC 27709-3528

- (3) Names and EPA Registration Numbers of the product being transferred:

EPA Registration Number	Product Name	Active Ingredient(s)
264-601	Triticonazole SC Fungicide	Triticonazole

- (4) The transferor, Bayer CropScience LP transfers irrevocably to the transferee, BASF Corporation, Agricultural Products, all right title and interest, all data (set forth in attachment 1), and complete ownership in the EPA Registrations listed in this document in (3) above.
- (5) The transferred registrations shall not serve as collateral or otherwise secure any loan or other payment arrangement or executory promise, and the registrations shall not revert to the transferor unless a new transfer agreement is submitted to and approved by the Agency.
- (6) This transfer is due to a licensing agreement between Bayer CropScience LP and BASF Corporation, Agricultural Products.
- (7) The transferor and transferee understand that any false statement in this document may be punishable under 18 U.S.C. 1001.
- (8) The transferee understands that its rights and duties concerning registration under FIFRA and Part 40, Chapter 1 of the Code of Federal Regulations will be deemed by EPA to be the same as those of the transferor at the time the transfer is approved.

  
**Margaret Cherny**  
Authorized Representative of Transferor  
Bayer CropScience LP

  
**John J. Arthur**  
Authorized Representative of Transferee  
BASF Corporation, Agricultural Products

Notarized Statement  
Required by 40 CFR s.152.135(c)

The transferor, Bayer CropScience LP hereby affirms that:

- (1) The person signing the transfer agreement, Margaret Cherny, is authorized by the registrant to bind the transferor.
- (2) No court order prohibits the transfer, and any required court approvals have been obtained.
- (3) The transfer is authorized under all federal, state and local laws and all relevant corporate charters, bylaws, partnerships, or other agreements.



William G. Ferguson  
Deputy General Counsel, Assistant Secretary  
Authorized Representative of Bayer CropScience LP

**NOTARIAL CERTIFICATE**

UNITED STATES OF AMERICA )

STATE OF North Carolina )


COUNTY OF Durham )

I, Patricia W. Gibbs, a Notary Public for said County and State, do hereby certify that William G. Ferguson personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

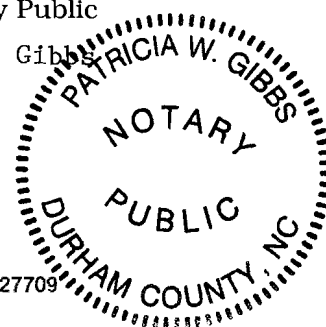
Witness my hand and official seal, this the 18th day of Jan., 2007.

My commission expires: 12/4/2008

\_\_\_\_\_

  
Notary Public

Patricia W. Gibbs





**Summary Information For  
Product Registration - Section 3  
264-601**

**Registration #:** 264-601  
**Registration Name:** TRITICONAZOLE SC FUNGICIDE  
**Company:** 264 - BAYER CROPSCIENCE LP  
**Current Status:** Active - Conditionally Registered (11-Jan-2007)  
**Restricted Use:** No

**Active Ingredients**

PC Code	CAS #	Ingredient Name	Percent Active
<u>125620</u>	131983-72-7	Triticonazole	19.2
Total Rows: 1			

**Organization:** RD / FB  
**Team:** Registration Division, Risk Management Team 21  
Waller, Mary (703) 308-9354  
**Child Resistant Package:**  
**Signal Word:** Caution  
**Physical Form:** Soluble Concentrate  
**Pesticide Category:** FUNGICIDE  
**Label Image:** [View Label Image](#)

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**Inert Ingredients**

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<http://dcopp10gas02:7777/pls/prism10p>

**Summary Information For  
Company 264, BAYER CROPSCIENCE LP**

**Company No:** 264

**Company Name:** BAYER CROPSCIENCE LP

**Division Name:**

**Office Name:**

**Branch Name:**

**Contact Name:** MARGARET CHERNY

**Contact Phone:** (919) 549-2000

**Agent Name:**

**Official Address:** 2 T.W. ALEXANDER DRIVE  
RESEARCH TRIANGLE PARK, North Carolina 27709  
UNITED STATES

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**Summary Information For  
Company 7969, BASF CORPORATION**

**Company No:** 7969  
**Company Name:** BASF CORPORATION  
**Division Name:** AGRICULTURAL PRODUCTS  
**Office Name:**  
**Branch Name:**  
**Contact Name:** JOHN J. ARTHUR  
**Contact Phone:** (919) 547-2000  
**Agent Name:**  
**Official Address:** 26 DAVIS DRIVE, PO Box 13528  
RESEARCH TRIANGLE PARK, North Carolina 277093528  
UNITED STATES

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